

ENTERED

September 29, 2020

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISIONINSURANCE DISTRIBUTION
CONSULTING, LLC,

Plaintiff,

VS.

FREEDOM EQUITY GROUP, LLC,

Defendant.

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CIVIL ACTION NO. 3:20-CV-00096

**ORDER ADOPTING MAGISTRATE JUDGE'S
MEMORANDUM AND RECOMMENDATION**


On August 6, 2020, the defendant's Motion to Dismiss for Failure to State a Claim or, Alternatively for Summary Judgment (Dkt. 21) was referred to United States Magistrate Judge Andrew M. Edison pursuant to 28 U.S.C. § 636(b)(1)(B). Dkt. 29. On September 4, 2020, Judge Edison filed a memorandum and recommendation (Dkt. 34) recommending that the motion be granted in part and denied in part.

As no objections have been filed to the memorandum and recommendation, the court reviews it for plain error on the face of the record. 28 U.S.C. § 636(b)(1); *see also*, FED. R. CIV. P. 72(b)(3). Having conducted that review, finding no plain error apparent on the face of the record, the court rules as follows:

- (1) Judge Edison's memorandum and recommendation (Dkt. 34) is approved and adopted in its entirety as the holding of the Court; and
- (2) The defendant's Motion to Dismiss for Failure to State a Claim or, Alternatively for Summary Judgment (Dkt. 21) is granted in part and

denied in part. Specifically, the defendant's motion to dismiss the plaintiff's attorney's-fees claim under Section 38.001 is granted. The defendant's other requests for relief are denied.

Signed on Galveston Island this 29th day of September, 2020.



JEFFREY V. BROWN
UNITED STATES DISTRICT JUDGE